



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.14229 of 2010

and

M.P.No.2 of 2010

P.Manjula

...Petitioner

Vs.

1. The District Collector,
Ariyalur District, Ariyalur-621 704.

2. The Child Welfare Scheme Officer,
Ariyalur District,
Jayankondam - 621 802.

3. Jayalakshmi

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for records, relating to the proceedings in Se.Mu.Aa.Ye.1660/A1/2009, dated 11.02.2010, on the file of the first respondent and to quash the same and to direct the first respondent to appoint the petitioner as Noon Meal Organizer, Jayankondam Block, Ariyalur District, within a time frame, as fixed by this Court.

For Petitioner : M/s.Elizabeth Ravi for Mr.P.Raja

For Respondents 1&2 : Mrs.E.Renganayaki
Additional Government Pleader

Respondent - 3 : No appearance

O R D E R

This Writ Petition is filed by the petitioner challenging the order, dated 11.02.2010 passed by the first respondent, whereby, the third respondent was appointed as Noon Meal Organiser, at Jayankondam Block, Ariyalur District, whereas, petitioner, who also competed for the said selection, was left out.



2. Primary contention of the petitioner is that, pursuant to a notification calling for appointment to the aforesaid post, she submitted an application. According to the petitioner, she is fully qualified to be appointed to the said post, in terms of her both educational and residential qualifications. When call letter was issued, calling upon her to appear for interview on 10.02.2010, she appeared for interview, however, third respondent never attended interview. Therefore, even without third respondent, attending the interview, nepotistically, selection has been made. This apart, the petitioner belongs to MBC and she being a widow, is entitled to preference.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader for respondents 1 and 2, and perused the materials available on record.

4. As far as the allegation that third respondent never appeared for interview is concerned, third respondent had filed a counter affidavit, categorically stating that she applied for NMR post and produced a call letter received by her and it is her assertion that she attended the interview.

5. So far as Official respondents are concerned, today, they produced copies of all applications received in their office along with required certificates annexed. This apart, Register, which is a compilation of interview proceedings in respect of entire Jayankondam Firka was produced and the same contains particulars of 10 persons, who attended interview for Yudapallam Anganvadi and in the said Register, third respondent has been placed at S.No.10.

6. Thus, on perusal of records, it is clear that the allegation of petitioner that third respondent has not attended the interview is without any substance, as the petitioner failed to prove factually that third respondent never attended the interview and the contrary is proved by third respondent that she attended interview by producing relevant documents. Therefore, this Court holds that first contention of the petitioner is not sustainable.

7. Insofar as the next contention of the petitioner that, she, being a widow, ought to have been given preference is concerned, it is submitted by learned Additional Government Pleader that there is no provision under the Rule, so as to give preferential appointment to widows, which was prevalent at the time of present appointment. As on the relevant date, widow category is also one of the factors, which was later taken into consideration during interview. The Interview Committee, after considering the employment seniority and all other factors, came to the conclusion that third respondent is more suitable to be



appointed to the said post, and no exception can be taken by this Court in this Writ Petition. This apart, the learned counsel appearing for petitioner also has not produced any Rule in support of his contention that widow should be given preference over others. Therefore, the next contention of the petitioner also does not hold water.

8.Thus, finding no grounds to interfere with the impugned order of appointment of third respondent, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

sd

To

1. The District Collector,
Ariyalur District,
Ariyalur-621 704.
2. The Child Welfare Scheme Officer,
Ariyalur District,
Jayankondam - 621 802.

+lcc to M/s.Elizabeth Ravi, Advocate, S.R.No.25977
+lcc to the Government Pleader, High Court,Madras S.R.No.25918

W.P.No.14229 of 2010

GP(CO)
RGA(26/05/2022)